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LETTER DATED 25 NOVEMBER 1998 FROM THE PROSECUTOR OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I find it necessary to respond to the statement by the Federal Ministry of Justice of the Federal Republic of Yugoslavia which was distributed during the current session of the General Assembly as document A/53/653-S/1998/1051, dated 10 November 1998. In view of certain inaccuracies that are contained in that statement, thereby generating incorrect impressions and inferences, I am obliged to point out the following facts.

The main purpose of the intended visit to the Federal Republic of Yugoslavia by myself and members of my staff, in addition to attending a conference in Belgrade, was to conduct certain investigations with regard to crimes allegedly committed in Kosovo, which fall within the jurisdiction of this Tribunal, as mandated by the Security Council.

The Federal Republic of Yugoslavia had been informed of the activities that I had intended to perform with my staff and had been requested to issue entry visas. The authorities of the Federal Republic of Yugoslavia, however, issued entry visas only to the President of the Tribunal and her party, who was attending the conference in Belgrade. Those authorities also indicated a willingness to issue conditional entry visas to myself, the Deputy Prosecutor and other staff members of the Tribunal, namely security personnel and interpreters, but not to members of my investigative team.

Furthermore, in response to my request for visas for investigative purposes, the authorities of the Federal Republic of Yugoslavia offered to issue entry visas imposing the condition that neither I nor any members of my staff would be allowed to enter Kosovo for investigatory purposes.

Consequently, I took the position that I could not accept such restrictions, which effectively prevented the Office of the Prosecutor from performing its functions as mandated by the Security Council, and I decided to postpone my visit to the Federal Republic of Yugoslavia.

The Ambassador of the Federal Republic of Yugoslavia to the Kingdom of the Netherlands was accordingly informed of that fact and of the reason why I and the members of my staff had decided to postpone our planned visit to the Federal Republic.

The reason for not travelling to the Federal Republic of Yugoslavia was therefore a conscious decision precipitated by actions of the authorities of that country, which were aimed at restricting the movement of myself and members of my staff within that country, contrary to our entitlements under several resolutions of the Security Council enacted under Chapter VII of the Charter of the United Nations.

(Signed) Louise ARBOUR
Prosecutor